

FILED

2019 APR 24 AM 11: 19

AMY J HUNLEY
CLERK OF SUPERIOR COURT
BY *[Signature]*

1 ELIZABETH BURTON ORTIZ
2 Special Prosecutor
3 Arizona State Bar No. 012838
4 Executive Director
5 Arizona Prosecuting Attorneys' Advisory Council
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6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COCHISE OF COUNTY

8 STATE OF ARIZONA,)
9 vs.) Plaintiff,) NO. CR201900212
10 PAUL RANDALL BAYS.))
11) STATE'S ALLEGATION OF VIOLATION
12) OF RELEASE CONDITIONS AND
13) VIOLATION OF CRIME VICTIM'S
14) RIGHTS AND REQUEST FOR
15) RECONSIDERATION OF RELEASE
16) CONDITIONS
17)
18)
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Defendant.)

The State, by and through the undersigned special prosecutor, hereby alleges that Defendant has violated both his release conditions and the Crime Victim's constitutional rights. As set forth below, the State asks this Court to reconsider Defendant's release conditions.

Defendant's release conditions prohibit, *inter alia*, direct or indirect contact with the Crime Victim. Despite this Court's order, shortly after his initial appearance, Defendant initiated contact with the Crime Victim regarding this case through a mutual friend. On March 15, 2019, undersigned counsel notified defense counsel of this violative contact and requested that Defendant be cautioned against further infractions.

On April 17, 2019, defense counsel caused a deviation letter to be hand-delivered to the undersigned prosecutor. That same day, the deviation letter was emailed to the Crime Victim via

1 her divorce attorney. It is the undersigned prosecutor's understanding that Defendant provided the
2 letter to his divorce attorney, who then sent it to the Crime Victim's divorce attorney. The
3 deviation letter places blame for the crimes which Defendant is charged on the Crime Victim, and
4 further implies that the Crime Victim may have committed previous offenses against Defendant.
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6 The Crime Victim found this unsolicited deviation letter to be an attempt by Defendant to intimidate
7 and harass her.
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9 Arizona's Constitution was amended in 1990 to include the Victims' Bill of Rights. This
10 Amendment guarantees, among other things, a Crime Victim's right to "be treated with fairness,
11 respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal
12 justice process." Ariz. Const. art. 2, § (A) (1) (emphasis added). Arizona's Crime Victims are also
13 afforded statutory protection. A.R.S. § 13-4418 requires that the Crime Victims' Rights statutes
14 "shall be liberally construed to preserve and protect the rights to which victims are entitled." A.R.S.
15 § 13-4433(B) requires that "[t]he defendant, the defendant's attorney or an agent of the defendant
16 shall only initiate contact with the victim through the prosecutor's office."

17 Defendant's conduct has violated both his release conditions and the Crime Victim's
18 Constitutional rights. Accordingly, the State respectfully asks this Court to reconsider
19 Defendant's release conditions.
20

21 RESPECTFULLY submitted this 22nd day of April, 2019.
22

23 COCHISE COUNTY ATTORNEY
24

25 BY: Elizabeth Burton Ortiz
Elizabeth Burton Ortiz
Special Prosecutor

1
2 Copies of the foregoing
3 mailed/delivered this 22nd
4 day of April, 2019, to:

5 The Honorable James E. Marner
6 Division 10, Pima County Superior Court
7 110 W. Congress Street
8 Tucson, AZ 85701

9 Law Office of Joseph DiRoberto
10 1795 E. Camino Cielo
11 Tucson, AZ 85718

12 Cochise County Superior Court
13 Court Administration

14 By: Lupita Mendoza
15 Legal Secretary